

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Independent claims 16 and 28 have been amended in response to the examiner's comments raised on Page 3 paragraph No. 6 of his Office action. It is respectfully submitted that claims 16 and 28 as amended now positively recite that the tubular needle is hollow throughout its entire length and that the needle remains at least partially within the sleeve at all times and remains in the fluid flow path of the apparatus at all times. Thus, it is respectfully submitted that claims 16 and 28 are commensurate with the scope of the arguments previously presented vis-à-vis the Yoon reference. While the Yoon device discloses a penetrating member which is at least partially hollow, there is no suggestion or teaching in the Yoon reference that the penetrating device is hollow throughout its entire length or that it remains in the fluid flow path of the apparatus at all times. The hollow portion of the Yoon penetrating members simply for locating purposes and not for fluid communication purposes.

With regard to the position taken by the examiner in paragraph 13 on Page 5 of his Office action, it is submitted that the examiner is in error. The examiner takes the position that the needle of the apparatus of Yoon is inherently in the fluid flow path of the apparatus at all times. In fact the apparatus of Yoon does not have any fluid flow path in the first instance. It is simply a penetrating instrument and there is no suggestion that there is a fluid flow through the penetrating instrument. The examiner's interpretation is unfounded and misguided and does not find support in the document itself.

Dependent claim 21 has been amended to recite a plurality of fingers arranged to engage with the projection in the second position so as to prevent movement of the sleeve toward the

proximal end thereof. None of the prior art cited by the examiner teach, disclose, suggest or render obvious the plurality of fingers as claimed.

The Yoon reference, U.S. Patent 5,484,849 simply does not teach, disclose or render obvious the subject matter of the instant application. The Yoon reference is a simple penetrating member. The Yoon reference does not provide a passage for fluid. The Yoon reference is not at all equivalent to the claimed device of the instant application. Its purpose and function is totally different from the needle of the instant application. The claims as amended clearly point out the distinctions between the subject matter of the instant application and the Yoon teachings.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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